

### **REMARKS**

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office Action, and the following remarks are presented for the Examiner's consideration

The cover sheet indicates that claims 1-13 are rejected. However, the detailed action does not provide any basis for the rejection of claim 8. Applicants therefore respectfully request clarification of the status of claim 8 in a new action.

Claim 1 has been amended for clarification to replace "a control signal" with "said control signal" to clarify the antecedent basis for the claimed control signal. Due to the formal nature of this amendment, Applicants respectfully request entry of the amendment and reconsideration of the claims.

Claims 1-6 and 8-13 were rejected under 35 U.S.C. 103(a) over U.S. Patent No. 5,319,716 to McGreevy in view of U.S. Patent No. 4,972,439 to Kuznicki et al. Claim 9 appears to be rejected on the same basis since it is referred to in the detailed rejection. Thus, the rejection will be treated as applying to claim 9 as well. For the following reasons, the rejection is again respectfully traversed.

Regarding claim 1, neither McGreevy nor Kuznicki, nor a combination thereof, teaches or suggests a "*decoder unit generating a control signal...in response to an encoded audio signal,*" and "*said control signal...controlling at least one of a frequency band and of a power level of said signal to be transmitted*" as required. McGreevy relates to a CD player that transmits to an automobile FM radio. The transmission frequency and output power are selectable. As acknowledged by the Examiner, McGreevy does not teach a decoder unit that

generates a control signal in response to an audio signal for controlling the transmission frequency band or the transmission power level. The examiner cites Kuznicki for this teaching.

As previously argued, Applicants submit that the compressor circuits 10 and 12 of McGreevy do not amount to a teaching of a decoder unit generating a control signal in response to an encoded audio signal, as required by claim 1. In response to this argument, the Examiner has stated that “The examiner asserts that the applicant is arguing something that is not claimed.” Thus, claim 1 has been amended herein to clarify that the “control signal” generated by the decoder unit is the same “control signal” (i.e. “said control signal”) that controls the frequency band and/or power level of the signal to be transmitted. As amended, claim 1 now clearly distinguishes the control signal from the audio signal of McGreevy. For the above reasons, every limitation of claim 1 is not taught or suggest by McGreevy in view of Kuznicki.

Therefore, claim 1 and its dependent claims 2–6 and 8–13 are patentable over the prior art of record.

Claim 7 was rejected under 35 U.S.C. 103(a) over McGreevy in view of Kuznicki and in further view of U.S. Patent No. 6,778,814 to Koike. For the following reasons, the rejection is respectfully traversed.

Claim 7 depends from claim 1 and therefore necessarily includes all of the limitations of claim 1. For the above-described reasons, claim 1 is not rendered obvious by McGreevy in view of Kuznicki. Further, Koike does not teach or suggest the limitations of which the other references are deficient, namely controlling the frequency band or power level based on a control signal generated in response to an encoded audio signal. Therefore, even if McGreevy, Kuznicki and Koike were combined, every limitation of the claim would not be taught or suggested as required.

In light of the foregoing, it is respectfully submitted that the present application is in condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 33904.

Respectfully submitted,  
PEARNE & GORDON, LLP

By: /Aaron A. Fishman/  
Aaron A. Fishman – Reg. No. 44,682

1801 East 9<sup>th</sup> Street  
Suite 1200  
Cleveland, Ohio 44114-3108  
(216) 579-1700

Date: July 13, 2007